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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,291	12/28/2001	Yusuke Nakazono	35.G2971	3111

5514 7590 06/22/2007

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EXAMINER	
RUDOLPH, VINCENT M	
ART UNIT	**PAPER NUMBER**
2625	
MAIL DATE	**DELIVERY MODE**
06/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/029,291	NAKAZONO ET AL.	
	Examiner	Art Unit	
	Vincent M. Rudolph	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *40,41,44,50,51,54 and 60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *40,41,44,50,51,54 and 60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 January 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/11/2007 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 40-41, 44, 50-51, 54, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spurr ('356).

Regarding claim 40, Spurr ('356) discloses a software distributing system (See Figure 8) for distributing control software used by an image forming apparatus to an external apparatus, which is an information processing apparatus connected with the image forming apparatus, over a network (printer is connected to an intermediary networked server, See Figure 8; Col. 17, Line 35-38). This includes a receiving unit (embodied within host computer, See Figure 8, Element 280) for receiving production lot information of a consumable unit (image processing information of a consumable unit,

such as paper, laminate material, etc., See Col. 17, Line 28-30, that relates to the consumable unit such as the type identifier, See Col. 14-16, Table 2-5) that is stored in a memory of the consumable unit (stored in a memory of the media type, See Figure 6; Col. 13, Line 15-23), such that the consumable unit is detachably located in the image forming apparatus (paper, laminate material, etc. are detachably located and used within the printer, See Figure 4) and the production lot information is output by the external apparatus (the information is output by the networked server and sent to the host computer, See Figure 8; Col. 17, Line 62-Col. 18, Line 2), a controller unit (embodied within the host computer, See Figure 8, Element 280) configured to distribute data, based on the production lot information to the external apparatus through the network (based on the information received, the host computer returns processing information to the printer through the external apparatus, See Figure 8; Col. 18, Line 2-5; Line 35-39) wherein the receiving unit is configured to receive the operating information of the consumable unit (the usage level / sheet count of the consumable unit, See Col. 14-16, Table 2-5). A selecting unit (embodied within the host computer, See Figure 8, Element 280) then chooses the appropriate software based on the production lot information and the operation information received (data is selected to modify the process variables used in operation on the printer in relation to the consumable unit, See Col. 18, Line 33-39). The controller unit then distributes the appropriate data to the external apparatus (data sent from the host computer to the networked server, See Col. 18, Line 33-39), and the production lot information indicates production condition for the consumable unit (information that relates to the type of

consumable unit being used, See Col. 14-16, Table 2-5, so that software can be applied to modify the process variables used within the printer, See Col. 18, Line 35-39).

Spurr ('356) does not fully disclose distributing control software to the external apparatus, but it would have been obvious to do so. The reason is that the information sent to the host computer relates to the type of a specific consumable unit, such as paper, laminate material, etc (See Col. 17, Line 28-33; Col. 14-16, Table 2-5). In return, the image processing information sent from the host computer (See Col. 18, Line 2-5) is acquired by the networked server, stored as a file in it, and eventually transferred to the control logic processor (See Figure 8, Element 130) of the printer in order to modify the processing variables used in operation of the printer (See Col. 18, Line 33-39). Thus, it would have been obvious that the image processing information is distributing control software so that the printer is able to process print jobs for each type of consumable unit being used properly.

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include control software and incorporate it into the software distributing system of Spurr ('356) because it allows the server to correctly receive the information of a consumable unit in order to distribute the correct software for the printer.

Regarding claim 41, Spurr ('356) discloses the production lot information includes lots of respective parts that make up the consumable unit (multiple data is stored for each consumable unit, See Col. 14-16, Table 2-5). The selecting unit then selects the control software based on a combination of lots of respective parts that make up the

consumable unit information (See Col. 18, Line 2-5; Line 33-39) so that the controller unit is configured to distribute the appropriate control software (See Col. 18, Line 35-39).

Regarding claim 44, Spurr ('356) disclose the external apparatus is a computer connected with the image forming apparatus (networked server, See Figure 8, Element 260; Col. 18, Line 35-39).

Regarding claims 50-51 and 54, the rationale provided in the rejection of claims 40-41 and 44 is incorporated herein. In addition, the system of claims 40-41 and 44 corresponds to the method of claims 50-51 and 54 and performs the steps disclosed herein.

Regarding claims 60, Spurr ('356) discloses a computer-executable program that is stored on a computer-readable medium for a computer to execute the information processing method (Col. 17, Line 64-Col. 18, Line 2).

Response to Arguments

The applicant argues that the prior art does not disclose a production condition of the media, but rather media-related information for the type of media loaded into the printer. Spurr discloses that the consumable unit, such as paper, laminate material, etc., includes image processing information for using each of the consumable units (See Col. 17, Line 28-30). This information, which includes the production lot information (type of consumable) (See Col. 14-16, Table 2-5) is stored in a memory of the consumable unit (See Col. 13, Line 15-23) and indicates a production condition of the media (identify the type of consumable being used) so the appropriate data can be

applied (See Col. 18, Line 2-5; Line 33-39). Thus, the prior art of Spurr is able to meet the limitations of the amended claims.

The applicant argues that the prior art does not disclose receiving operation information of the consumable unit as well as selecting control software based on the operation information as well as the production lot information. Spurr discloses receiving image processing information, which includes the operation information (usage level / sheet count) (See Col. 14-16, Table 2-5). As a result, data is selected based on the production lot information as well as the operation information for the selected consumable unit in order to modify the process variables used in the printer (See Col. 18, Line 2-5; 33-39). Thus, the prior art of Spurr is able to meet the limitations of the amended claims.

The applicant argues that the Spurr does not disclose distributing the control software to the external apparatus through a network. Even though Spurr does not fully disclose distributing control software to the external apparatus, it would have been obvious to do so since the information sent to the host computer relates to using a specific consumable unit, such as paper, laminate material, etc (See Col. 17, Line 28-33; Col. 14-16, Table 2-5). Then, the information sent from the host computer is acquired by the networked server, stored as a file within it, and eventually transferred to the control logic processor of the printer to modify the processing variables used in operation of the printer (See Col. 18, Line 33-39). Therefore, it would have been obvious that the image processing information is control software so that the printer is

able to process print jobs for each type of consumable unit being used properly. As a result, the prior art of Spurr is able to meet the limitations of the amended claims.

Based on these facts, **THIS ACTION IS MADE NON-FINAL.**

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent M. Rudolph whose telephone number is (571) 272-8243. The examiner can normally be reached on Monday through Friday 8 A.M. - 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

6/6/07

VMR

Vincent M. Rudolph
Examiner
Art Unit 2625

AUNG S. MOE
SUPERVISORY PATENT EXAMINER
6/8/07